UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Charles Jairo Spezzia,	§	
	§	
	§	Crim. Action No.
Petitioner,	§	4:07-cr-00031-1
	§	Civil Action No.
v.	§	4:19-cv-04600
	§	
United States of America,	§	
	§	
Respondent.	§	

ORDER ADOPTING RECOMMENDATION OF THE MAGISTRATE JUDGE

Pending is Petitioner Charles Jairo Spezzia's second motion to vacate, correct, or modify his sentence under 28 U.S.C. § 2255, (Crim. Document No. 203; Civ. Document No. 1), which the Fifth Circuit authorized Spezzia to file. The Court has received from the Magistrate Judge a Memorandum and Recommendation (Cim. Document No. 228; Civ. Document No. 24) recommending that that Petitioner's motion be granted, that his conviction for violating 18 U.S.C. § 924(c) be vacated, and that he be resentenced. No objections were filed.

The Court, after having made a *de novo* determination of the petition, is of the opinion that the findings and recommendations of the Magistrate Judge are correct and should be and hereby are accepted by the Court in their entirety.

Accordingly, it is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge signed and filed on May 16, 2023 (Crim. Document No. 228; Civ. Document No. 24), which is adopted in its entirety as the opinion of this Court, that Petitioner's second motion to vacate or set aside his sentence (Crim Document No. 203; Civ. Document No. 1) is GRANTED.

It is further ORDERED that Petitioner Charles Jario Spezzia's conviction on Count Six for violating 18 U.S.C. § 924(c) (Crim. Document No. 146) is hereby VACATED.

It is further ORDERED that new counsel be appointed for Spezzia, and that this matter be set for resentencing.

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 14ᵀᴴ day of August, 2023.

Ewing Werlein, Jr.
United States District Judge